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OFFICE OF PETITIONS

In re Application of :
Katsumi Yamato et al :
Application No. 09/841,042 : **DECISION ON PETITION**
Filed: April 25, 2001 :
Attorney Docket No. 206502US2RD :

This is a decision on the petition under 37 CFR 1.181 (no fee), filed March 9, 2005,¹ requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition is GRANTED.


This application was held abandoned for failure to timely pay the issue and publication fees on or before November 1, 2004, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed July 30, 2004.

Petitioner asserts that the failure to timely reply was caused by nonreceipt of the Notice dated July 30, 2004.

A review of the written record indicates that the Notice of July 30, 2004 was returned to the Office for reasons unknown, since it was properly addressed. Further, there is no indication that the Office ever attempted to re-mail the returned Notice. Therefore, it is clear from the official record for this file that petitioner did not in fact receive the Notice of July 30, 2004.

In view of the above, this application was not abandoned in fact. Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center AU 2617 technical support staff for re-mailing the Notice of Allowability and the Notice of Allowance and Fee(s) Due of July 30, 2004. The period for paying the issue and publication fees will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136. The Examiner should also take appropriate action on the Information Disclosure Statement received October 29, 2004.


Frances Hicks
Petitions Examiner
Office of Petitions

¹ The petition was only recently brought to the undersigned's attention. The Office sincerely apologizes for the delay in replying to this petition and any inconvenience caused petitioner by this delay.